REMARKS

The Applicant respectfully requests reconsideration in view of the following remarks and amendments. Claims 1, 4, and 9-11 are amended. Accordingly, claims 1-11 are pending in the application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 3, 4, 6-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,836,565 issued to Nishikawa (hereinafter "Nishikawa"). To establish an anticipation rejection the Examiner must show that the cited reference teaches each element of a claim.

Claim 1, as amended, recites the elements of "a first information addition unit to add, to image data, information related to *perform a first type of image processing* of the image data according to a first addition method as first information," and "a second information addition unit to add the information to the image data according to a second addition method different from the first information addition method as second information *related to perform the first type of image processing of the image data*, wherein at least one of the first and the second information added is not lost even when *a second type of image processing* is performed with respect to the image data" (emphasis added). Support for the amendment may be found, for example, in paragraphs [0034], [0035], [0042], and [0043] of the Specification. Nishikawa fails to teach these elements as discussed in the following paragraph.

First, Nishikawa teaches that reduced image data may be included with an image file. See Nishikawa, column 4, lines 1-4. Reduced image data of the image file is produced by reducing the resolution of the "original image data" to obtain a reduced image and then adding this reduced image as part of data in the image file. Id. In other words, the reduced image data is a smaller version (e.g., thumbnail) of the "original image data" included in the image file. See Nishikawa, column 4, lines 4-10; Fig. 4A and 4B. Next, Nishikawa discloses that reduced image information may be included with the image file. See Nishikawa, column 6, lines 7-12. Reduced image information, in contrast to reduced image data as discussed above, is used to *generate a reduced image*. See Nishikawa, column 6, lines 27 and 28. On the other hand, Nishikawa

discloses that reduced image data is analyzed to perform *gamma conversion* of the image. See Nishikawa, column 4, lines 62-67. Therefore, it should be understood that the image processing performed using reduced image data relates to one type of image processing (i.e., gamma conversion) while the image processing performed with reduced image information is of a different type (i.e., image reduction). As a result, Nishikawa fails to teach the elements of "a first information addition unit to add, to image data, *information related* to *perform a first type of image processing*," and "a second information addition unit to add the information to the image data . . . as *second information related to perform the first type of image processing of the image data*," (emphasis added) as recited in claim 1. Thus, in view of at least the foregoing reasons, Nishikawa fails to teach each element of claim 1. In addition, claim 3 is patentable over Nishikawa because this claim depends on claim 1. Accordingly, reconsideration and withdrawal of the rejection of claims 1 and 3 are respectfully requested.

With respect to claim 4, this claim, as amended, recites the elements of "a first information extractor to extract, from *a tag region of an image file*, information *represented as a value* related to image processing of *image data of the image file* according to a first extraction method," and "a second information extractor to extract the information *represented as the value located within the image data of the image file* according to a second extraction method different from the first extraction method, when the information cannot be extracted by the first information extractor" (emphasis added). Support for the amendment may be found, for example, in paragraphs [0053] and [0054] of the Specification. Nishikawa fails to teach these elements. Instead, Nishikawa teaches that, in an image file, information used for image processing (e.g., the gamma correction value found in tag data or generated from the reduced image data) is stored *separately from the image data itself.* See Nishikawa, Fig. 4B and 5; column 7, lines 58-63. The Applicant, first, notes that if the gamma correction value is not found in the tag data, then the gamma correction value must be generated (instead of being "located within the image data of the image file") by analyzing the reduced image data. See Nishikawa, column 5, lines 15-41. Moreover, as discussed previously, the reduced image data is not "located within the image data of the image file," as required by claim 4. See Nishikawa, column 7, lines 60-63; Fig. 4B. Therefore, because information represented as a value related to image processing (i.e., the gamma correction value) is not "located within the image data of the image file," Nishikawa fails to teach each element of claim 4. In addition, claims 6-8 are patentable

over Nishikawa because each of these claims depends on claim 4. Accordingly, reconsideration and withdrawal of the rejection of claims 4 and 6-8 are respectfully requested.

In regard to claim 9, this claim, as amended, recites analogous elements to those in claim 1. Thus, for at least the reasons mentioned in connection with claim 1, Nishikawa fails to teach each element of claim 9. Accordingly, reconsideration and withdrawal of the rejection of claim 9 are respectfully requested.

With respect to claim 10, this claim, as amended, recites analogous elements to those in claim 4. Therefore, for at least the reasons mentioned in connection with claim 4, Nishikawa fails to teach each element of claim 10. Accordingly, reconsideration and withdrawal of the rejection of claim 10 are respectfully requested.

In regard to claim 11, this claim as amended, recites analogous limitations to those in claims 1 and 4. Thus, for at least the reasons discussed in connection with claims 1 and 4, Nishikawa fails to teach or suggest each element of claim 11. Accordingly, reconsideration and withdrawal of the rejection of claim 11 are respectfully requested.

II. Claims Rejected Under 35 U.S.C. § 103

Claims 2 and 5 stand rejected under 35 U.S.C. § 103(a) as being obvious over Nishikawa in view of U.S. Patent Publication No. 2003/0048922 filed by Rhoads (hereinafter "Rhoads") in view of U.S. Patent No. 2003/0032033 issued to Anglin et al. (hereinafter "Anglin").

Claims 2 and 5 depend on claims 1 and 4, respectively, and incorporate the limitations thereof. Therefore, for at least the reasons mentioned in connection with claims 1 and 4, Nishikawa fails to teach each element of claims 2 and 5. In addition, Rhoads and Anglin fail to teach or suggest the missing elements. The Examiner has not cited and the Applicant is unable to discern the portions of Rhoads and Anglin that teach the missing elements. Consequently, for at least these reasons, Nishikawa in view of Rhoads in further view of Anglin fails to teach or suggest each element of claims 2 and 5. Accordingly, reconsideration and withdrawal of the rejection of claims 2 and 5 are respectfully requested.

Further, the Applicant submits that a motivation to combine the art of record cannot be established to support a conclusion of obviousness. See MPEP § 2143.01. For example, Rhoads relates to using watermarks for determining the veracity of header information in a file (i.e., to determine whether the header information has been altered) rather than being related to Nishikawa's image processing (i.e., gamma correction). See Rhoads, paragraph [0322]. In other words, Nishikawa is not concerned with authenticating the file based on whether the header information has been altered as taught in Rhoads. Further, Anglin deals with placing watermark message descriptors in the file header. See Anglin, paragraph [0140] and [0141]. However, the Applicant notes that, similar to the objective of Rhoads, the functionality served by Anglin's watermark is for confirming authenticity and linking products to associated internet sites through serialization. See Anglin, paragraph [0118], [0119], [0121], [0122]. Nishikawa, in contrast, is not concerned with placing watermark message descriptors in the file header to perform authenticity of products for linking to internet sites. Again, Nishikawa, as discussed in the previous section, retrieves the gamma correction value found either in the tag data or generated from the reduced image data to produce an image processed version of the image file. Further, in light of the foregoing reasons, the verifying header information in Rhoads and linking products to internet sites in Anglin would change Nishikawa's principle of operation of using tag data or reduced image data strictly for image processing. Because the combination would change Nishikawa's principle of operation, a *prima facie* case of obviousness cannot be established. See In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (408) 720 8300.

Respectfully submitted,

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Dated: 1/11, 2007

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